



**A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
TUESDAY, JULY 19, 2016**

NOTICE IS HEREBY GIVEN THAT the City Commission of the City of Weslaco, Texas will hold a Regular Meeting in the Legislative Chamber of City Hall, located at 255 South Kansas Avenue, on Tuesday, July 19, 2016 at 5:30 PM for the purpose of discussing the following items:

NOTE: If during the course of the meeting, any discussion of any item on the agenda should be held in executive or closed session, the Weslaco City Commission will convene in such executive or closed session whether or not such item is posted as an executive session item at any time during the meeting when authorized by the provisions of the Texas Open Meetings Act.

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| I. | <u>CALL TO ORDER</u> | Pages |
| | A. Certification of Public Notice. | 1-3 |
| | B. Invocation. | |
| | C. Pledge of Allegiance. | |
| | D. Mayoral recognition. | |
| | E. Roll Call. | |

II. PUBLIC COMMENTS

The Public Comments portion of the meeting promotes a fair and open process for the governance of the City. This portion of the meeting is not intended to be an extended discussion or a debate and is limited to three minutes for each presenter. Due to the Texas Open Meetings Act, the Mayor and City Commissioners do not reply; they listen. Matters under litigation are not to be addressed and comments regarding specific City employees and elected officials may be prohibited.

If you are discussing something not included on the agenda, the Commission cannot take any formal action until it is placed on an agenda and notice of the meeting is properly posted. Registration for Public Comments must be submitted to the City Secretary before the City Commission meeting is called to order. As the Mayor calls upon those who submitted a registration form with the City Secretary, please step to the podium and state your name and address before beginning your presentation.

III. PUBLIC HEARING

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| | A. To solicit input on behalf of First United Methodist Church to rezone 520 S. Illinois Ave., also being Lots 6-11, Block 43, Weslaco Original Subdivision, Weslaco, Hidalgo County, Texas, from R-1 One Family | 4-5 |
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Dwelling District to R-2 Duplex and Apartments District. (Staffed by Planning and Code Enforcement Department.) Attachment.

- B. To solicit input on behalf of Antonio Garcia, Jr. for a Conditional Use Permit to operate a daycare at 122 De Los Santos St., also being Lots 4 and 5, Block 5, Diana Subdivision Unit #3, Weslaco, Hidalgo County, Texas. (Staffed by Planning and Code Enforcement Department.) Attachment. 6-7

- C. To solicit input on behalf of Reyna Ortega for a Conditional Use Permit to operate a daycare at 905 N. Texas Blvd., also being 8.11 acres out of Farm Tract 120, West Tract Subdivision, Weslaco, Hidalgo County, Texas. (Staffed by Planning and Code Enforcement Department.) Attachment. 8-9

IV. CONSENT AGENDA

The following items are of a routine or administrative nature. The City Commission has been furnished with background and support material on each item, and/or it had been discussed at a previous meeting. All items will be acted upon by one vote without being discussed separately unless requested by one commission member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon. The remaining items will be adopted by one vote. Possible action.

- A. Approval of the following:
 - 1) Record of Workshop Meeting on July 5, 2016; 10-12

 - 2) Minutes of the Regular Meeting on July 5, 2016 (Staffed by City Secretary's Office.) Attachment. 13-21

- B. Approval on Second and Final Reading of Ordinance 2016-24 disannexing in accordance with the boundary lines affixed by the City of Mercedes settlement agreement and City of Donna Memorandum of Understanding. (First reading of Ordinance held July 5, 2016; Staffed by Planning and Code Enforcement Department.) Attachment. 22-26

V. APPOINTMENTS

- A. Discussion and consideration to approve Resolution 2016-49 appointing one member to an unexpired term on the Board of Adjustments and Appeals to the Zoning Ordinance and authorize the Mayor to execute any related documents. Possible action. (This Resolution was tabled July 5, 2016; Staffed by Planning and Code Enforcement Department.) Attachment. 27-34

VI. OLD BUSINESS

- A. Discussion and consideration to approve compensation for project delays to CDM Constructors, Inc. in an amount not to exceed \$960,000.00 and authorize the Mayor to execute any related documents. Possible action. (This item was tabled July 5, 2016; Staffed by Planning and Code Enforcement Department.) Attachment. 35-40

VII. NEW BUSINESS

- A. Discussion and consideration after public hearing on behalf of First United Methodist Church, to approve Ordinance 2016-25 rezoning 520 S. Illinois Ave., also being Lots 6-11, Block 43, Weslaco Original Subdivision, Weslaco, Hidalgo County, Texas, from R-1 One Family Dwelling District to R-2 Duplex and Apartments District. First reading of Ordinance 2016-25. Possible action. (Staffed by the Planning and Code Enforcement Department.) Attachment. 41-54
- B. Discussion and consideration after public hearing on behalf of Antonio Garcia, Jr. to approve a Conditional Use Permit to operate a daycare at 122 De Los Santos St., also being Lots 4 and 5, Block 5, Diana Subdivision Unit #3, Weslaco, Hidalgo County, Texas and authorize the Mayor to execute any related documents. Possible action. (Staffed by the Planning and Code Enforcement Department.) Attachment. 55-67
- C. Discussion and consideration after public hearing on behalf of Reyna Ortega to approve a Conditional Use Permit to operate a daycare at 905 N. Texas Blvd., also being 8.11 acres out of Farm Tract 120, West Tract Subdivision, Weslaco, Hidalgo County, Texas and authorize the Mayor to execute any related documents. Possible action. (Staffed by the Planning and Code Enforcement Department.) Attachment. 68-83
- D. Discussion and reconsideration to approve the final plat of WesFar Subdivision, being 20.00 acres being a part or portion of Lot 131, Block 84-85

162, West Tract Subdivision, Weslaco, Hidalgo County, Texas. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment.

- E. Discussion and consideration to approve Ordinance 2016-26, amending Ordinance 27-172, codified as Section 134-259 “Designation of Truck Routes:” 86-91

1. Westgate Drive from Frost Proof Drive to 18th Street
2. U.S. Business 83 from Midway Road to Mile 2 ½ West
3. Farm to Market Road 1015 within City limits
4. Farm to Market Road 88/Texas Blvd from 579.65 feet North of 18th Street to Mina Street
5. 18th Street from Westgate Drive to Mile 2 ¾ West Road
6. Airport Drive from 18th Street to Haggar Avenue
7. Border Avenue from Interstate 2 to U.S. Business 83
8. Panther Drive the West 900 Feet
9. Bridge Avenue from Interstate 2 to Ballard Street
10. Sugarcane Drive from Farm to Market Road 1015 to Joe Stephens Avenue
11. Vo-Tech Drive from Interstate 2 to Sugarcane Drive
12. Mid Valley Drive
13. Venture Drive
14. Industrial Drive
15. Corporate Drive
16. Sugarsweet Avenue
17. Ballard Street from Farm to Market Road 88/Texas Blvd to Dolores Huerta Avenue
18. Farm to Market Road 88/Texas Blvd from Interstate 2 to City limits
19. Annie Drive
20. Garza Avenue from U.S. Business 83 to 2nd Street
21. Calle De La Republica from Railroad Street to U.S. Business 83
22. Illinois Avenue from Interstate 2 to Pike Blvd
23. Pike Blvd from Farm to Market Road 1015 to North Airport Drive
24. Pike Blvd from Illinois Avenue to Farm to Market Road 88/Texas Blvd
25. Milanos Road from U.S. Business 83 to Interstate 2
26. Pike Blvd from Westgate Drive to Milanos Road
27. Interstate 2 within City limits

First Reading of Ordinance 2016-26. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment.

- F. Discussion and Consideration to approve Ordinance 2016-27, amending Ordinance 2014-24, the City of Weslaco streets and sidewalks ordinance; codified as Chapter 118 of the Weslaco Code of Ordinances, adopting new regulations. First Reading of Ordinance 2016-27. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment. 92-95

- G. Discussion and consideration to approve the submission of the Weslaco Mid Valley Airport’s Capital Improvement Plan to the Texas Department of Transportation - Aviation Division and authorize the Mayor to execute any related documents. Possible action. (Staffed by Airport.) Attachment. 96-100

- H. Discussion and consideration to transfer the airport lease agreement for Mr. Joe Marroquin D/B/A Marroquin Aviation Maintenance to Mr. Jeremy Reiley D/B/A as Rio Aviation and authorize the Mayor to execute any related documents. Possible action. (Staffed by Airport.) Attachment. 101-103

- I. Discuss and consideration to approve adding a rank position to the supervisory structure of the Weslaco Police Department, adding a lieutenant position to the Criminal Investigation Division. Possible action. (Staffed by Police Department.) Attachment. 104

- J. Discussion and consideration to reallocate \$15,000.00 from Capital Improvement Program (CIP) funds to build two (2) park signs at the entrance of Mayor Pablo G. Pena City Park. Possible action. (Staffed by Parks and Recreation Department.) Attachment. 105- 107

- K. Discussion and consideration to approve a contract with Nueva Luz Foundation to use the Service Center at Isaac Rodriguez Park. Possible action. (Staffed by Parks and Recreation Department.) Attachment. 108-113

VIII. REPORTS

- A. Report on electronic agenda by City Secretary's Office and IT Department.

IX. EXECUTIVE SESSION

Texas Government Code, Section 551 Open Meetings:

§551.145. Closed Meeting Without Certified Agenda or Tape Recording; Offense; Penalty

- (a) A member of a government body commits an offense if the member participates in a closed meeting of the

governmental body knowing that a certified agenda of the closed meeting is not being kept or that a tape recording of the closed meeting is not being made.

(b) An offense under Subsection (a) is a Class C misdemeanor.

§551.146. Disclosure of Certified Agenda or Tape Recording of Closed Meeting; Offense; Penalty; Civil Liability

(a) An individual, corporation, or partnership that without lawful authority knowingly discloses to a member of the public the certified agenda or tape recording of a meeting that was lawfully closed to the public under this chapter:

(1) commits an offense; and

(2) is liable to a person injured or damaged by the disclosure for:

(A) actual damages, including damages for personal injury or damage, lost wages, defamation, or mental or other emotional distress;

(B) reasonable attorney fees and court costs; and

(C) at the discretion of the trier of fact, exemplary damages.

(b) An offense under Subsection (a)(1) is a Class B misdemeanor.

(c) It is a defense to prosecution under Subsection (a)(1) and an affirmative defense to a civil action under Subsection

(a)(2) that:

(1) the defendant had good reason to believe the disclosure was lawful; or

(2) the disclosure was the result of a mistake of fact concerning the nature or content of the certified agenda

or tape recording. (Added by Acts 1993, 73rd Leg., ch 268, § 1, eff. Sept. 1, 1993.)

NOTE: Any documentation related to the following items will be maintained as part of the certified agenda.

A. Personnel - Discussion regarding the goals, objectives, and evaluation of the City Manager for the City of Weslaco as authorized by §551.074 of the Texas Government Code.

B. Pending Litigation - Consultation with City Attorney regarding *City of Weslaco v. Briones Consulting and Engineering* as authorized by §551.071 of the Texas Government Code.

C. Real Property - Consultation with City Attorney on the purchase, exchange, lease or value of real property (North Texas; Intersection of Mile 11 and Texas Boulevard) as authorized by §551.072 of the Texas Local Government Code.

D. Pending Litigation – Consultation with City Attorney regarding Cause No.C-1277-15-H *Elvia Caballero Lopez d/b/a or a/k/a Caballero Governmental Affairs v. City of Weslaco, Texas* in the 389th Judicial District Court of Hidalgo County pursuant to §551.071 of the Texas Government Code. Attachment.

E. Economic Development – Consultation with City Attorney regarding

Economic Development opportunities and incentive programs related to industrial prospects, including Project Chicken Hatch "B", as well as retail and airport development as authorized by §551.087 of The Texas Government Code.

- F. Economic Development – Consultation with City Attorney regarding a lease agreement for Economic Development Project Wild Boar "B" as authorized by §551.087 of The Texas Government Code.

- G. Pending Litigation - Consultation with Attorney to give a legal briefing regarding Civil Case No. 7:15-CV-334 *Alvino Flores v. City of Weslaco, et al.* in the United States District Court for the Southern District of Texas – McAllen Division as authorized by §551.071(1) of the Texas Government Code.

**X. POSSIBLE ACTION ON WHAT IS DISCUSSED
IN EXECUTIVE SESSION**

XI. ADJOURNMENT

I hereby certify this **Notice of a Regular Meeting of the Weslaco City Commission** was posted in accordance with the Open Meetings Act on the outside bulletin board at City Hall of the City of Weslaco, located at the 255 South Kansas Avenue entrance, visible and accessible to the general public during and after regular working hours. This notice was posted on this 15th day of July, 2016 at 4:30 p.m. and will remain so posted continuously for at least 72-hours preceding the scheduled time of this meeting in accordance with Chapter 551 of the Texas Government Code.

/s/ Elizabeth M. Walker, City Secretary

NOTE: If any accommodation for a disability is required, please notify the City Secretary's Office at (956) 968-3181, Ext. 3100 prior to the meeting date.

Removed from Bulletin Board	Date:	Initials:
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